

OUTLINE OF 3 BEETLE-RESPONSE BILLS

H.R. 5216 -- Wildfire Risk Reduction and Renewable Biomass Utilization Act

This bill would revise the definition of “renewable biomass” in section 201 of the Energy independence and Security Act of 2007 so as to facilitate and encourage the use of biomass removed from certain additional forest lands as an energy source, in order to reduce the risk of severe wildfires to communities, infrastructure, and water supplies.

Specifically, H.R. 5216 would expand the current definition of “renewable biomass” to include biomass removed from lands within the wildland-urban interface in connection with an authorized hazardous fuel reduction projects.

The bill uses the definitions of “hazardous fuel reduction project” and “wildland-urban interface” that are used in the Healthy Forests Restoration Act of 2003.

That Act defines the term “wildland-urban interface” as including “an area within or adjacent to an at-risk community that is identified ... in a community wildfire protection plan” or, with regard to a community that has not developed a community wildfire protection plan, lands within a specified distance from the community’s boundary (a distance that can vary depending on the presence of steep slopes or other geographic features) as well as areas adjacent to an evacuation route for an at-risk community that require hazardous fuel reduction to provide safer evacuation from an at-risk community.

These definitions provide greater specificity than the term “immediate vicinity” now used in this part of the new energy law, and will broaden the scope of its applicability. I supported enactment of the Healthy Forests Restoration Act, and I think it is appropriate to follow its example in this respect.

H.R. 5218 -- Fire Safe Community Act

This bill, a House companion to S. 2390, would establish new incentives for communities at risk of wildfire to improve fire-prevention efforts. Key components include:

- Developing a model ordinance for communities at risk of fire located within the Wildland -Urban Interface. This would be done by the National Institute of Standards and Technology (NIST), in partnership with the U.S. Fire Administration, the Forest Service, and the Bureau of Land Management. The purpose of this model ordinance is to provide a baseline for communities to become “fire safe,” including suggested water supply, construction materials and techniques, defensible space, vegetation management, and infrastructure standards;
- Developing a new \$25 million grant program to assist local communities in implementing the activities and policies of the NIST model ordinance. To qualify for this grant program, communities must be located in a fire hazard area and take steps toward the implementation of the model ordinance. These grants, administered by FEMA, can be used to enforce local ordinances and codes, develop incentive programs to improve code compliance, educate local planners on fire resistant planning, zoning and home construction, as well as train local fire departments on emerging technologies such as GIS fire mapping;

- Providing grants to States on a 50/50 cost share basis to create or update fire hazard maps. Authorizes \$15 million annually for States to develop or update statewide fire hazard maps which identify communities at risk of wildfire;
- Establishing incentives for communities that decide to become more fire safe by changing the federal share of firefighting and emergency expenses reimbursed under FEMA's Fire Management Assistance Grants. Currently states and local communities can have 75 percent of their firefighting and emergency service expenses reimbursed by the federal government, if FEMA determines that a fire threatened a significant number of homes and structures. Under this bill, communities in fire hazard areas that adopt the new model ordinance would be eligible to have 90 percent of their firefighting and emergency service expenses reimbursed under the Fire Management Assistance Grants program;
- Authorizing the Forest Service and the Department of the Interior to offer grants to local communities for fire safe practices.

Colorado Forest Insect Emergency Response Act.

This bill, based on provisions in the Udall-Salazar bill (H.R. 4875) of 2006, will add a new section to the Healthy Forests Restoration Act to specifically address the forest insect epidemic in Colorado.

It would authorize the Forest Service to identify as "insect emergency areas" Federal lands in Colorado that have already been slated for fuel-reduction work in community wildfire protection plans and that have so many insect-killed trees that there is an urgent need for work to reduce the fire-related risks to human life and property or municipal water supplies.

The Forest Service or Interior Department (as relevant) could make such a determination on its own initiative or in response to a request from any Colorado State agency or any Colorado political subdivision (such as a county, city, or other local government). The relevant Federal agency must respond to such a request by making a decision within 90 days.

The bill would reduce the extent to which analysis under the National Environmental Policy Act of 1969 ("NEPA") must be done prior to implementing fuel-reduction – i.e., thinning or tree-removal – projects in insect-emergency areas. This would be done in two ways:

- (1) by allowing use of the abbreviated NEPA reviews the Act now allows for projects on lands within 1.5 miles of a community's boundaries to be used for projects on any lands covered by a wildfire protection plan for a Colorado community in or adjacent to an insect-emergency area; and
- (2) by allowing the Forest Service or Interior Department to forego NEPA analysis entirely through use of a "categorical exclusion" with regard to a project involving only lands that are both within an insect-emergency area and covered by a community wildfire protection plan.

Before making a decision to exempt a project from NEPA review, the Forest Service or Interior Department would have to consult with relevant federal and state agencies, seek comments from the public, and follow existing procedures for such decisions.